

Atty. Docket No: 1315-22

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): Daniel James Plant EXAMINER: Cheryl Ann Juska

SERIAL NO.: 10/797,756 GROUP: Art Unit: 1771

FILED: March 10, 2004 DATED: June 19, 2007

TITLE: **FLEXIBLE ENERGY ABSORBING
MATERIAL AND METHODS OF
MANUFACTURE THEREOF**

Mail Stop: AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION PURSUANT TO 37 C.F.R. §1.55(c) AND §1.78(a)(3)

Sir/Madam:

Applicant herewith submits a petition pursuant to 37 C.F.R. §1.55(c) and §1.78(a)(3) to accept an unintentionally delayed claim for priority and the fee required under 37 C.F.R. §1.17(t). The entire delay between the filing of this paper and the deadline for filing the claim of priority was unintentional and without any deceptive intent on the part of the Applicant. Therefore, the Applicant respectfully request prompt and favorable action on its attached petition for entering the claim of priority.

06/21/2007 HGUTEMA1 00000033 10797756

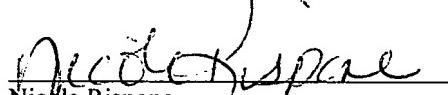
01 FC:1454

1370.00 OP

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postpaid in an envelope, addressed to the: Mail Stop: AF; Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: June 19, 2007


Nicole Risponde

FACTS SUPPORTING PETITION

The above-identified application was filed on March 10, 2004 and assigned U.S. Application Serial No. 10/797,756.

The present application was filed simultaneously with a Substitute Specification in which a “Cross-Reference to Related Application” section was included which identified that the present application, claimed benefit of and priority to International Application No. PCT/GB02/04209, filed on September 13, 2002, which in turn properly claims the benefit of and priority to GB Application Nos. 0122082.1 and 0122084.7, each filed on September 13, 2001, GB Application No. 0123844.3, filed on October 4, 2001.

The “Cross-Reference to Related Application” section failed to specifically identify that the present application was a Continuation application of International Application No. PCT/GB02/04209.

The Declaration submitted in connection with the present application indicates that the present application claims priority to the underlying International Application.

The Declaration submitted in connection with the present application indicates that the present application is a national stage of a PCT Application.

Applicant respectfully submits that a clerical error occurred at the time of filing of the present application in which the present application was filed pursuant to 35 U.S.C. 111(a) instead of being filed pursuant to 35 U.S.C. 371.

Applicant submits that said error was unintentional and without deceptive intent.

In view of the foregoing, Applicant submits that it was Applicants intention for the present application to be filed pursuant to 35 U.S.C. 371 and not pursuant to 35 U.S.C. 111(a).

Applicant has submitted, simultaneously herewith, an amendment to the above-identified matter in which the “Cross-Reference to Related Application” section is amended to recite that the present application is “a Continuation Application which claims the benefit of and priority to International Application No. PCT/GB02/04209, filed on September 13, 2002, which in turn claims the benefit of and priority to GB Application Nos. 0122082.1 and 0122084.7, filed on September 13, 2001, GB Application No. 0123844.3, filed on October 4, 2001, the entire contents of each of which being incorporated herein by reference”.

Thus, in view of the foregoing, Applicants undersigned Attorney respectfully petitions the Commissioner to enter the priority claim for the present matter to identify the present matter as “a Continuation Application which claims the benefit of and priority to International Application No. PCT/GB02/04209, filed on September 13, 2002, which in turn claims the benefit of and priority to GB Application Nos. 0122082.1 and 0122084.7, filed on September 13, 2001, GB Application No. 0123844.3, filed on October 4, 2001, the entire contents of each of which being incorporated herein by reference”.

A check in the amount of \$1,370.00 is enclosed herewith to cover the fee required under 37 C.F.R. §1.17(t). The Commissioner is hereby authorized to charge any deficiencies or credit any over-payments to Deposit Account No. 50-2140, in the name of Carter, DeLuca, Farrell & Schmidt, LLP.

An early and favorable response is earnestly solicited.

Respectfully submitted,



Francesco Sardone
Registration No. 47,918
Attorney for Applicant

Carter, DeLuca, Farrell & Schmidt, LLP

445 Broad Hollow Road, Suite 225

Melville, NY 11747

Tel.: (631) 501-5700

Fax.: (631) 501-3526

FS/nr